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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-8423-2023(O&M)
Date of decision:18.10.2024

Arman Arya

...Petitioner

VERSUS

Director, Sainik and Ardh Sainik Welfare Department and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Ajay Kumar Kansal, Advocate, for the petitioner.

Mr. Kapil Bansal, DAG, Haryana.

Mr. Parvesh K. Saini, Senior Panel Counsel,
for respondent No.2.
(Through video conferencing).

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *mandamus* directing the respondents to disclose the objective criteria/guidelines for allocating marks in the interview, with a further prayer to quash the final result dated Nil, published on 29.11.2022 (Annexure P-6) being based upon irrelevant and whimsical considerations. It was further prayed that the respondents be directed to conduct fresh interview of all the candidates who have cleared the written examination in accordance with pre-set objective criteria/guidelines or by any other method which could be subjectively assessed i.e. videography of the interview process etc. with a further prayer to direct the respondents to



disclose the marks obtained by the petitioner in the written examination conducted in the month of June, 2022 and to furnish copies of answer sheets of the petitioner and other selected candidates. It was further prayed that the respondents be directed to publish Standard Operating Procedure (SOP) of RIMC Entrance Examination and other relevant information pertaining to the admissions in the Institute.

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner had sought admission in class 8th in pursuance of Notification (Annexure P-2) issued by the Training Branch of Army Training Command, Shimla for the purpose of admission of students to the Rashtriya Indian Military College, Dehradun for the January 2023 term. He submitted that as per the aforesaid Notification, the admission process was divided into two parts. In the first phase, the written examination was to be conducted and for those who qualify written examination were to be subjected to viva-voce. So far as the written examination is concerned, the same was conducted by the Army Authorities and the result was sent to the respective State Governments and as per clause 5, the viva-voce was to be held only for those candidates who qualify the written examination and in this way, when the petitioner was subjected to the interview by the Committee formulated in accordance with para No.8 of the aforesaid Notification, then as per the information received by the petitioner under RTI vide Annexure P-10, the petitioner had got only 24 out of 50 marks and since it was 48% which is less than 50%, he was declared fail. He submitted that the qualifying marks for the viva-voce was 50% and he fell short of only 2% and submitted that the grievance of the petitioner is with regard to the criteria of viva-voce which is to be disclosed and has not been disclosed in the present case and once the criteria for viva-voce is not



disclosed, there is a possibility that the committee which has been formulated under the aforesaid Notification (Annexure P-2) may take arbitrary decisions by awarding marks to some of the candidates more than 50% and some of the candidates less than 50% and therefore, such a direction may be issued that the case of the petitioner may also be considered for taking a fresh viva-voce.

3. On the other hand, Mr. Kapil Bansal, learned DAG, Haryana while referring to the reply filed by respondent No.1 submitted that in the present case the grievance of the petitioner is not pertaining to the written examination conducted by respondent No.2 but his only grievance is that the viva-voce conducted by respondent No.1 did not disclose the criteria. He referred to the Notification (Annexure P-2) which has also been referred to by the learned counsel for the petitioner wherein rather in para No.5, the criteria has been mentioned and the present case is only for the purpose of viva-voce for the admission to class 8th and the aforesaid criteria in para No.5 is well sufficient to understand and to award marks in the viva-voce. He also submitted that it is not a case where a recruitment to any post is to be made but it is only for admission to class 8th in a school and for that purpose rather as per clause 12, the Committee which has to take the viva-voce of the students is a high powered committee which consists of the Chief Secretary to the Government or his delegatee from the State i.e. Secretary of the State , two military officers, State Director of Public Institutions or Director of Education or any other senior delegatee officer and where practicable a member of the State Public Service Commission and has submitted that such kind of Committee consists of very senior officers who are to assess the intelligence, personality and communication skills of candidates and therefore, it cannot be said that no criteria has been laid down. He also submitted that it is not a case where the



petitioner has alleged any *mala fide* against any member or in any other regard and therefore, the present petition is liable to be dismissed.

4. I have heard the learned counsels for the parties.

5. The Notification on the basis of which the learned counsels for the parties have relied upon is Annexure P-2 which is issued by the Training Branch of Army Training Command, Shimla and has been issued to the Secretary (Education/Public Instructions) of all the State Governments & U.T Administrations with the subject of “Qualifying examination for admission of students to the Rashtriya Indian Military College, Dehradun for the January 2023 term”. Paras No.5 and 12 of the aforesaid Notification and criteria for Entrance Examination written examination are reproduced as under:-

“5. **Viva-Voce.** *The viva-voce will be held for only those candidates who qualify the written exam. The list will be sent to the respective State Governments by the RIMC after approval from HQ ARTRAC. The date for viva-voce (designed primarily to test the intelligence, personality, & communication skills of candidates) will be intimated later.*

12. *The viva-voce will be conducted by the State Governments **only for those candidates who have qualified in the written examination on the date which will be intimated later.** The candidates will be informed of result of written examination result possibly by first week of **Sep 2022**. The constitution of the selection board is briefly mentioned in para 8 of the Regulations Governing RIMC and shall be as follows:-*

(a) *Chief Secretary to the Government or in case the State Government so desires, any other Secretary of the State Government nominated by him.*

(b) *Two Military officers. (One of them should not be below the rank of Lt Col or equivalent from Army, Air Force or Navy). These officers will be detailed as far as possible from the nearest Military*

Station and all expenses of TA and DA etc will be borne by the Government of India.

(c) The State Director of Public Institutions or Director of Education or some senior officer nominated by him.

(d) Where practicable, a member of the State Public Service Commission.

ENTRANCE EXAMINATION

The Examination comprises of:-

A.	Written Examination <i>Written Examination The written part of the examination consists of three subjects i.e. English (125 Marks), Mathematics (200 Marks), and General Knowledge (75 Marks). Maths and General knowledge papers may be answered either in Hindi or in English. To qualify, a candidate must obtain a minimum of 50% marks in each subject.</i>
B.	Viva Voce <i>Viva Voce The oral examination consists of a Viva Voce test of 50 Marks, which is designed to assess a candidate's intelligence, personality and confidence. The minimum passing marks will be 50%.</i>
C.	Medical Examination <i>Medical Examination All the candidates, qualified after interview, will undergo a medical examination at selected Military Hospital and only those candidates found medically fit, will be considered for selection and admission to the RIMC. Medical Examination of the candidates forms only a part of the system of selection and does not guarantee the final selection.</i>

6. A perusal of the aforesaid would show that the viva-voce is to be conducted for those candidates who qualify written examination and in the present case apparently the petitioner qualified the written examination but he secured less than 50% marks in the viva-vove. It also provides that the viva-



voce is to be held to test intelligence, personality and communication skills of a candidate. A perusal of para No.12 of the Notification would show that very senior officers of the Government are members of the Committee. The argument which has been raised by the learned counsel for the petitioner that definite criteria as to how the intelligence and communication skills is to be seen by the Committee has to be disclosed is not sustainable in view of the fact that such a high powered committee is to test the intelligence, personality and communication skills of the students to be admitted in class 8th and it is not a case of a job recruitment.

7. The petitioner has not made any allegation on the basis of *mala fide* in the present case and admittedly, he has obtained less than 50% marks in the viva-voce due to which he has not been selected.

8. In view of the aforesaid facts and circumstances, this Court is of the considered view that the present petition is devoid of any merit and the same is hereby dismissed.

(JASGURPREET SINGH PURI)
JUDGE

18.10.2024
rakesh

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No